



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

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Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Thomas J. Flis
Tetra Tech, Inc.
Northeast Operations
240 Continental Drive
Suite 200
Newark, DE 19713

December 2, 2014

Re: JURISDICTIONAL DETERMINATION
Environmental Review - EDA and DCA/NEP Programs
DLUR File Number: 0502-02-0001.4
DLUR Activity Number: CDT140001
Grant Application ID Number: NCR39811
Applicant: City of Cape May
Block(s) and Lot(s): [1061, 50] [1061, 51] [1061, 52] [1061, 53] [1061, 54]
City of Cape May, Cape May County

Dear Mr. Flis:

This letter is in response to an application submitted by the above referenced applicant for funding under the Economic Development Authority's Neighborhood & Community Revitalization (NCR), Small Business Loans (SBL) Programs, the Department of Community Affairs's Neighborhood Enhancement Program (NEP), and/or the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. This jurisdictional determination is for the proposed Phase 1 improvements to Lafayette Street Park in the City of Cape May. The proposed activities include baseball field and multi-purpose field renovation, irrigation, lighting and landscaping improvements and development of a picnic area and bocce court. The proposed project is located within the CAFRA zone of the City of Cape May, a non-qualifying municipality. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et. seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et. seq.), Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et. seq.), Flood Hazard Area Control Act (N.J.S.A. 58:16A et seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B et seq.).

Based on a review of the information submitted and a review of information as maintained on the Department's Geographic Information System, the following determination is made:

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☒ **A Waterfront Development permit is not required.**
- ☐ **A Waterfront Development Permit will be required because:**
 - ☐ Work will be performed at or below (outshore) the Mean High Water Line.
 - ☐ Work will be performed within 100/500 feet of the MHWL outside the coastal area.

Based on a review of the Coastal Permit Program Rules, the following determination is made:

- ☐ **A CAFRA permit is required.**
- ☒ **A CAFRA permit is not required** as the proposed activities are not regulated pursuant to N.J.A.C. 7:7-2.1

Based on a review of the Coastal Wetlands Maps, the following determination is made:

- () **Coastal Wetlands permit is required.** Coastal Wetlands are mapped on this site. Activity is proposed at or above the Upper Wetlands Boundary.
- () **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps it is determined that there are not mapped wetlands on the site.
- (x) **Coastal Wetlands permit is not required.** Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

In addition, this project may potentially take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules (FHACAR) at N.J.A.C. 7:13-1.1. The current Base Flood Elevation (BFE) based on the existing FEMA Flood Insurance Rate Map (FIRM) is 8.7 feet NAVD88. If work is proposed on the site at or below this ground elevation, then the project would be regulated by the FHACAR. However, it should be noted that the Phase 1 improvements appear to meet a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6.

Based on the information provided to the Division, it does not appear that the proposed project will impact freshwater wetlands. However, the project has the potential to occur within transition area associated with freshwater wetlands located within the forested area to the west of the project area. The renovation of the fields appears to qualify as reconstruction or maintenance of a legally existing structure which is a non-regulated activity within transition area pursuant to N.J.A.C. 7:7A-2.(b)1i(9). In addition, improvements to irrigation are non-regulated activities provided there are no new above ground structures within the transition area. Landscaping within the transition area is not regulated provided native plant species are utilized and fill is not placed. If construction related to the picnic area, bocce court or site lighting results in grading, clearing or the placement of structures within transition areas, then permits will be required pursuant to the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A).

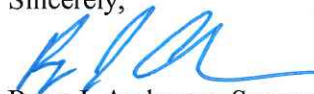
The project may be presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.

Please be advised that applicant has indicated intentions to conduct future Phase 2 activities on the property consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands. Based on the information provided, it appears that some or all of these activities will require permits from the Department. If the applicant decides to pursue the Phase 2 activities, they are encouraged to contact this office.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Please contact Jessica Cobb by e-mail at Jessica.Cobb@dep.nj.gov or (609) 633-2289 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor
Bureau of Coastal Regulation
Division of Land Use Regulation